

House Bill 1277 (AS PASSED HOUSE AND SENATE)

By: Representatives Kaiser of the 59<sup>th</sup> and Holt of the 112<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Part 6 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health insurance plans for teachers and other school personnel in elementary and secondary education, so as to provide for teachers and employees of charter schools to be considered employees for purposes of participating in the health insurance plans for teachers and other school personnel; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 6 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health insurance plans for teachers and other school personnel in elementary and secondary education, is amended in Code Section 20-2-880, relating to definitions relative to a health plan for public school teachers, by revising paragraphs (3) and (4) as follows:

"(3) 'Local employer' means the county or independent board of education, a charter school, regional and county libraries, and the governing authority of Georgia Military College.

(4) 'Public school teacher,' 'teacher,' and 'employee' mean any person employed not less than half time in a professionally certificated capacity or position in the public school systems of this state. 'Public school teacher,' 'teacher,' and 'employee' also mean librarians and other personnel employed by regional and county libraries or the high school program of Georgia Military College. 'Public school teacher,' 'teacher,' and 'employee' also mean any professionally certificated person who has acquired ten years or more of creditable service and who is being paid retirement benefits by the Teachers Retirement System of Georgia, Chapter 3 of Title 47, or by any other public school teacher retirement system in this state. 'Public school teacher,' 'teacher,' and 'employee' also mean any person employed not less than half time and compensated in a professionally certificated capacity or position in a charter school in this state established

1 pursuant to Article 31 of Chapter 2 of Title 20 if such charter school elects upon initial  
2 approval of its charter or, if such charter school is an existing charter school, elects upon  
3 notice by the health insurance plan provided in this part or upon the expiration of its  
4 current health care plan or by no later than December 31, 2009, to participate in the health  
5 insurance plan established pursuant to this subpart. 'Public school teacher,' 'teacher,' and  
6 'employee' shall not be deemed to include any emergency or temporary employee.  
7 Notwithstanding this definition or any other provision of this subpart, the board may, by  
8 regulation, make available to employees who work 17 1/2 hours or more per week such  
9 benefits as are required to be made available to such employees by regulations of the  
10 United States Internal Revenue Service or any other federal authority."

## 11 **SECTION 2.**

12 Said part is further amended in Code Section 20-2-910, relating to definitions relative to a  
13 health plan for public school employees, by revising paragraph (3) as follows:

14 "(3) 'Public school employee' means an 'employee' as defined in paragraph (20) of Code  
15 Section 47-4-2. 'Public school employee' also means classroom aides, paraprofessionals,  
16 and noncertified administrative and clerical personnel. It is specifically provided,  
17 however, that the term 'public school employee' shall not include any emergency or  
18 temporary employee or any other employee who works in a position otherwise covered  
19 by such term less than 60 percent of the time required to carry out the duties of such  
20 position. 'Public school employee' also means any person, other than an employee in a  
21 professionally certificated capacity or position, employed not less than half time and  
22 compensated in a charter school in this state established pursuant to Article 31 of Chapter  
23 2 of Title 20 if such charter school elects upon initial approval of its charter or, if such  
24 charter school is an existing charter school, elects upon notice by the health insurance  
25 plan provided in this part or upon the expiration of its current health care plan to  
26 participate in the health insurance plan established pursuant to this subpart.  
27 Notwithstanding this definition or any other provision of this subpart, the board may, by  
28 regulation, make available to employees who work 17 1/2 hours or more per week such  
29 benefits as are required to be made available to such employees by regulations of the  
30 United States Internal Revenue Service or any other federal authority."

## 31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.